

BARNES & THORNBURG

1313 MERCHANTS BANK BUILDING
INDIANAPOLIS, INDIANA 46204

TELEPHONE
(317) 636-1313

TELECOPIER
(317) 261-9433

TWX 810-341-3427 JCH ATTYS IND

SIXTH FLOOR, 1ST SOURCE BANK BUILDING
SOUTH BEND, INDIANA 46601
(219) 233-1171

FIRST NATIONAL BANK BUILDING
301 SOUTH MAIN STREET, SUITE 305
ELKHART, INDIANA 46516
(219) 293-0881

SUITE 200
2000 L STREET, N.W.
WASHINGTON, D. C. 20036
(202) 296-2630

OF COUNSEL

ALAN W. BOYO
CHARLES H. WELLS
THOMAS H. SCANLON
JAMES F. THORNBURG
FREDERIC D. ANDERSON
LESTER IRONS

LESTER M. FENDER
DONALD D. EVENSON
THOMAS P. JENKINS
EVERETT F. SMITH
JERRY E. HYLAND
DAVID H. BADGER
JOHN J. WETTS

LARRY J. STROBLE
MICHAEL ROSIELLO
LYNN BRUNDAGE
STEPHEN W. LEE
DAVID A. HAIST
STANLEY C. FICKLE
WILLIAM I. KOHN
A. JAMES RICHARDSON
ERNEST J. SZARWARK
PAUL E. BECHER
JAMES E. HANONEY
DAVID M. POWLEN
EDWIN B. WAINSCOTT
MICHAEL P. LUCAS
DAVID L. SWIDER
RENEE R. MAWHINNEY
JOHN P. GREELEY
MARCUS B. CHANDLER
DAVID F. SNIVELY
JOHN J. KISH
DOUGLAS P. LONG
STEPHEN L. SMITH
JOHN M. RYLE III
JAMES A. COLES
MILDRED L. CALHOUN

JOHN C. ROTHMAAR
DOUGLAS R. DIETERLY
SANDRA J. LONG
DOUGLAS E. STARKER
ROBERT J. SMITH, JR.
CONNIE M. MCREAN
SANDRA L. MEEK
BRUCE B. MARR
JEFFREY J. TONNER
GREGORY L. KELLY
PATRICK J. O'NEIL
MARK R. WENZEL
JAMES B. LOOTENS
MANCE L. MARS-HALL
ANNE N. DEPREZ
RICHARD A. CONEN
DONALD E. C. LEICHT
E. VICTOR INDIANO
ALAN A. LEVIN
FRANK SULLIVAN, JR.
KENNETH R. PETRINI
KATHLEEN R. INSKEEP
ALAN R. MILLS
JOSEPH W. REBONE

* NOT ADMITTED IN INDIANA
TO CALL WRITER DIRECT

317-261-9284

January 24, 1983

Mr. George Garland
Office of Solid Waste (WH-562)
U.S. Environmental Protection Agency
Room S-273
401 M Street, S.W.
Washington, D.C. 20460

Re: EPA Hazardous Waste Treatment,
Storage and Disposal General
Questionnaire and Hazardous Waste
Landfill Questionnaire

Dear Mr. Garland:

Our firm represents Gary Development Company, Inc. This letter is written in response to EPA's "Hazardous Waste Treatment, Storage and Disposal General Questionnaire" received by my client. I have discussed responding to these questionnaires with Mr. Michael Burns of EPA in Washington, who advised me that in light of the information set forth below, this letter would be an adequate response.

Gary Development filed Part A of its hazardous waste permit application to obtain interim status so it could continue accepting certain steel mill sludges from J&L Steel for disposal. At that time, these sludges were deemed to be RCRA hazardous due to their origin, although Gary Development was aware of the fact that J&L Steel planned to file a delisting petition with EPA. In 1982,

Mr. George Garland
January 24, 1983
Page Two

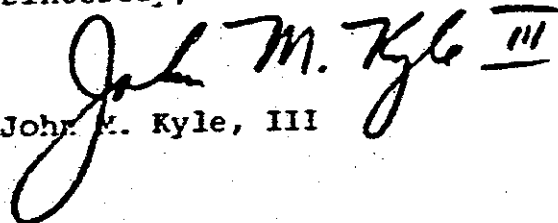
this petition was granted; subsequently this waste stream has also been "delisted" by the Indiana Environmental Management Board. Since this non-RCRA hazardous waste was the reason for seeking interim status in the first place, and since Gary Development does not currently accept any RCRA hazardous waste for disposal, the company has decided to withdraw officially from the RCRA system and is pursuing this end with Region V EPA.

Although Gary Development does not currently dispose of RCRA hazardous waste, ~~it did accept~~ de minimus quantities of RCRA hazardous waste from two sources in 1981. First, the company landfilled shredded battery casings and neutralized calcium sulphate which were identified as RCRA hazardous waste due to their origin -- US lead. The quantity accepted was very small -- approximately two to three loads every one to three months -- and was co-disposed with the roughly three to four thousand cubic yards of municipal refuse accepted each day. Second, American Chemical sent approximately four to six loads in 1981 of a solvent waste stream labeled hazardous not due to its toxicity, but rather due to its flammability. American Chemical mixed this waste with sand and the resulting product was co-disposed with refuse. Gary Development does not currently accept either of these two wastes for disposal and has not for some time.

In light of this limited involvement with RCRA hazardous waste, Michael Burns advised me that this letter, coupled with the limited completion of the questionnaires attached, would be a sufficient response.

Thank you very much for your time and cooperation.

Sincerely,


John M. Kyle, III

JMK:sm

Enclosures

cc: Michael Burns, Esquire
Mr. Lawrence Hagen